HMG:USAO #2008R00690

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA	:	**CRIMINAL NO. RDB-09-** 061
v.	:	**(Perjury, 18 U.S.C. § 1623)**
JEFFREY MILLER,	:	
Defendant.	:	

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INFORMATION

The United States Attorney for the District of Maryland charges:

Introduction

1. Defendant **JEFFREY MILLER** had a close personal relationship with Keith McMahon.

2. Keith McMahon owned a 2001 BMW 525i Sedan.

3. Keith McMahon owned a house located at 2922 Caves Road, Owings Mills, Maryland 21117.

4. Keith McMahon had car insurance through State Farm Insurance Company ("State Farm") that provided insurance coverage for his 2001 BMW 525i Sedan.

May 27, 2006 Accident

5. On or about May 27, 2006, Keith McMahon crashed his 2001 BMW 525i Sedan on Caves Road, Owings Mills, MD.

6. On or about May 27, 2006, **MILLER** spoke with Keith McMahon by telephone.

7. On or about May 27, 2006, **MILLER** met Keith McMahon in the vicinity of Caves Road, Owings Mills, MD.

The Fraudulent Insurance Claim

8. In May and June 2006, Keith McMahon reported to State Farm and Baltimore County Police Officers that his 2001 BMW 525i Sedan had been stolen and damaged in a serious accident while Keith McMahon was in Philadelphia, PA, when Keith McMahon then and there well knew he had caused the damage to the car and was in Owings Mills, Maryland, at the time of the accident.

9. In June 2006, State Farm sent Keith McMahon a check for $22,193, which represented monies obtained as a result of false and fraudulent pretenses, representations, and promises that Keith McMahon made to State Farm.

The Arson

10. On or about January 14, 2008, Keith McMahon asked Scott Ensor to burn down McMahon's house located at 2922 Caves Road, Owings Mills, MD, in return for $10,000.

11. On or about January 29, 2008, Keith McMahon met Scott Ensor at 2922 Caves Road, Owings Mills, MD.

12. On or about January 29, 2008, Scott Ensor set fire to the house located at 2922 Caves Road, Owings Mills, MD.

13. On or about January 29, 2008, the Baltimore County Fire Department responded to the fire at 2922 Caves Road, Owings Mills, MD, a firefighter fell though the floor of the house while trying to suppress the fire, and the firefighter was injured.

14. In or about February 2008, Keith McMahon filed, or caused the filing of, an insurance claim for the damage to his real and personal property at 2922 Caves Road, Owings Mills, MD, and received money and benefits from the insurance company.

The Criminal Investigation

15. On January 29, 2008, the Baltimore County Police Department instituted a criminal investigation into the fire at Keith McMahon's house at 2922 Caves Road, Owings Mills, MD.

16. On or about January 29, 2008, Baltimore Count Police Officers interviewed **MILLER** regarding the fire at 2922 Caves Road, Owings Mills, MD, and the activities of Keith McMahon on January 29, 2008.

17. On or about February 6, 2008, the Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Department of Justice (ATF), instituted a federal criminal investigation.

18. Beginning in or about March 2008, and continuing until on or about July 29, 2008, federal investigators sought evidence of whether Keith McMahon had committed mail fraud by submitting false and fraudulent insurance claims with regard to the May 27, 2006 accident involving his 2001 BMW 525i Sedan and the fire on January 29, 2008 at 2922 Caves Road, Owings Mils, MD.

19. On or about March 27, 2008, an ATF agent and a Baltimore County Police officer interviewed **MILLER**. During this interview, **MILLER** stated in relevant part as follows:

a. Keith McMahon purchased his Ford Mustang from Len Stoler Ford.

b. Prior to purchasing the Mustang, McMahon had a BMW, which was stolen and totaled on Caves Road.

The Grand Jury Investigation

20. Beginning in or about March 2008, and continuing until the date of this indictment, the Thursday Special Grand Jury, April Term 2008, for the District of Maryland

conducted an investigation (the "Grand Jury Investigation") into possible violations of federal criminal laws, including Title 18, United States Code, Sections 844(i) (arson), 1001 (false statements), 1341 (mail fraud), 1503 (obstruction of justice), 1519 (obstruction of justice), and 1623 (perjury).

21. The Grand Jury Investigation involved, among many other material matters, an inquiry into the facts surrounding the May 27, 2006 BMW accident, and the mail fraud offenses that may have been committed in connection with the accident.

22. On or about April 17, 2008, **MILLER** testified before the Thursday Special Grand Jury, April Term 2008, for the District of Maryland. Prior to **MILLER**'s testimony, the foreperson of the Grand Jury administered an oath to **MILLER** and **MILLER** swore to tell the truth in the testimony he was about to give.

Defendant MILLER's April 18, 2008 Letter

23. On or about April 30, 2008, **MILLER** caused to be sent and delivered by the United States Postal Service a letter dated April 18, 2008, regarding his April 17, 2008 Grand Jury testimony, from Baltimore, Maryland 21208 to the U.S. Attorney's Office, 36 South Charles, Baltimore, Maryland 21201.

24. In his April 18, 2008 letter, **MILLER** made the following statements, in substance, regarding the 2006 accident involving McMahon's 2001 BMW 525i Sedan:

a. On the day of the accident, **MILLER** understood that McMahon was in the Philadelphia area visiting a friend.

b. **MILLER** understood that McMahon's 2001 BMW 525i Sedan was stolen on the day of the accident.

25. On or about May 22, 2008, **MILLER** testified before the Thursday Special Grand Jury, April Term 2008, for the District of Maryland. Prior to **MILLER**'s testimony, the foreperson of the Grand Jury administered an oath to **MILLER** and **MILLER** swore to tell the truth in the testimony he was about to give.

The Charge

26. On or about May 22, 2008, in the District of Maryland,

JEFFREY MILLER,

the defendant herein, having taken an oath to testify truthfully in a proceeding before a grand jury of the United States, knowingly made a false material declaration, in that he gave the following testimony about Keith McMahon's activities on or about May 27, 2006 (the day of the BMW accident) (underlined portion alleged as false):

"Q. Okay. Where was he?"
"A. My understanding was he was in Philadelphia, visiting a friend, Philadelphia area visiting a friend."
. . . .
Q. Did he tell you anything further about how that BMW ended up being in an accident
A. No.
Q. Okay. So the only thing that Keith McMahon ever told you about the BMW accident was that he understood that the car had been stolen?
A. That's correct.
. . . .
Q. Did he ever speak with you about whether or not he had been driving the car that day?
A. No.
. . . .
Q. But other than the police or the dogs, you don't recall anyone else being at 2922 Caves Road on the day of the BMW accident?
A. No, I don't.
Q. Did Keith McMahon tell you where he was on the day the BMW was in the accident?
A. He told me that he was at a friend's in Philadelphia. I say Philadelphia, but I think he was in the outskirts of Philadelphia.

. . . .

Q. Back to the BMW. Where did you first see Keith McMahon on the day of the BMW accident?
A. I don't believe he was back in town for a few days after that.

. . . .

Q. And, in fact, you didn't see him anywhere in the Baltimore area that day, correct?
A. That's my recollection, no. He was in Philadelphia.
Q. But you would recall that, if you had seen him?
A. I would think so, yes.

27. In truth and fact, as **MILLER** well knew when he gave the testimony, it was false in that:

a. **MILLER** knew McMahon was not in Philadelphia, PA at the time of the BMW accident;

b. **MILLER** met McMahon in the vicinity of 2922 Caves Road, Owings Mills, Maryland, 21117, on May 27, 2006;

c. McMahon told **MILLER** on May 27, 2006, that McMahon crashed his 2001 BMW 525i;

d. **MILLER** met other individuals at 2922 Caves Road, Owings Mills, Maryland 21117 on May 27, 2006.

18 U.S.C. § 1623.

2-09-2009
Date

Rod J. Rosenstein /by sms
ROD J. ROSENSTEIN
UNITED STATES ATTORNEY